

TERM CONFIGURATION

Rochester Only

MOTION TERM

First Three Wednesdays of each Month (Typically)

9:30 A.M. ORDERS TO SHOW CAUSE BY THE COURT

U.S. TRUSTEE MOTIONS

- (1) Extend time to object to discharge (Default)
- (2) Extend time to file substantial abuse motion
- (3) 2004 examinations
- (4) Compel production of documents
- (5) Sanctions

CHAPTER 11 AND 12 MOTIONS

- (1) Relief from stay
- (2) Sales - Default or regular motion format
- (3) Assume or reject lease - Default
- (4) Extend time to assume or reject lease - Default
- (5) Cash collateral - Default
- (6) Obtain credit - Default
- (7) Extend time to file plan - Default
- (8) Extend exclusive time to file plan - Default

ADVERSARY PROCEEDING MOTIONS

11:00 A.M. MISCELLANEOUS MOTIONS

- (1) Dismissal/conversion of case by attorney
- (2) Contempt
- (3) Vacate Orders
- (4) Sever Cases
- (5) Withdraw as attorney - Default
- (6) Change venue - Default
- (7) Objection to exemption - Default
- (8) Extend time to file complaints - Default
- (9) Status of secured claim (Pond) - Default
- (10) Modify plan - Default
- (11) Hardship discharge - Default
- (12) Motion to intervene - Default

TRUSTEE'S MOTIONS

- (1) Sales - Default or regular motion format
- (2) Compromise controversy - Default
- (3) Compromise adversary proceeding - Default
- (4) Turnover of property - Default
- (5) Except property from abandonment - Default
- (6) Dismiss - failure to appear at 341 hearing - Default
- (7) Hearing on objection to Trustee's final report, intent to sell, or intent to abandon

11:30 A.M. DEFAULT MOTIONS

- (1) Enter default judgment
- (2) Abandonment
- (3) Redemption
- (4) 522(f)
- (5) Objection to claims
- (6) Relief from stay
- (7) Relief from co-debtor stay

NEW LAW PROVISION MOTIONS

- (1) U.S. Trustee motions to dismiss
- (2) Chp. 13 Trustee's motions to dismiss/convert (also includes failure to file statements and/or plan)
- (3) Extend automatic stay pursuant to Section 362(c)
- (4) Debtor's application to waive filing fee

TRIAL AND EVIDENTIARY HEARING CALENDARS

Held on the Third Motion Calendar Day each month at 9:00 a.m.

CHAPTER 11 AND 12 CALENDAR

Last Thursday of each month at 9:30 a.m. (Typically)

- (1) Motions to dismiss or convert - By default for Chp. 11 cases only
- (2) Hearings on Disclosure Statements
- (3) Confirmation Hearings

REAFFIRMATION AGREEMENT HEARINGS

Held after the Second Motion Calendar Day each month at 12:00 p.m.

WATKINS GLEN CALENDARS

Held on the last Friday of each month at 11:00 a.m. (Typically)

COMMENTS

(1) A comprehensive adjournment policy was issued separately which discusses in detail the establishment of standards in regard to adjournments and the adjournment portions of the various calendars.

(2) An individual Chapter 11 Debtor - in - Possession, or Principal or Partner of a Corporate or Partnership Debtor - in - Possession, must appear before the Court on the return date for Hearings on Disclosure Statements (if there have been any objections filed which have not been resolved before the scheduled hearing), Confirmation Hearings and on ALL Motions to Convert or Dismiss, if the motion is opposed. This requirement applied equally to any and all subsequent adjournments of these matters if granted by the Court.

- (3) Sub-categories of potential motions listed for purposes of this presentation are not exhaustive but are cited as common motions which are routinely heard before the Court.
- (4) The Court encourages parties to request separate hearing dates and times for motions which are anticipated to be of an especially complex nature or require substantial time.
- (5) For default motions, refer to Exhibit A, Guide to Default Procedures for Motions heard in Rochester and Watkins Glen, attached to the most recent standing Order dated November 26, 2001.